

## REMARKS

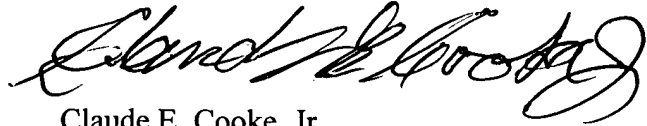
Claims 1 and 8 are pending in this application. Claims 1 and 8 stand rejected.

Claims 1 and 8 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Sai. This rejection is respectfully traversed.

Applicants discuss in the application prior art measurement techniques using pulsed light (Pars. 7 – 9). Applicants then disclose in the application “a coupled excitation signal with a continuous waveform and an amplitude modulated at variable frequencies,” (Par. 11) and claim “wherein the coupled excitation signal is a continuous wave signal modulated at variable frequencies” (claim 1). The Examiner incorrectly states that Sai teaches “wherein the coupled excitation signal is a continuous wave signal modulated at variable frequencies (Fig. 5).” At no point does Sai teach continuous wave signals, and certainly not modulated continuous wave signals. In discussing Fig. 5, Sai refers to Fig. 6A, and states “the light source 10 emits pulsed-light.” (Col. 12, lines 11-12). The teachings of Sai apply to pulsed signals. See Fig. 6A. Applicants teach a fundamentally different system---one employing a continuous wave modulated signal. One of ordinary skill in the art would not be led to the system of Applicants, based on different principles, by the teachings of Sai. Sai neither teaches nor suggests the use of a continuous wave modulated signal. The teachings of Sai are not sufficiently pertinent to the particular problem faced by Applicants as to reasonably suggest Applicants' claimed solution. Therefore, Claim 1 of the instant application is believed to be patentable over Sai. Claim 8, dependent upon and containing all the limitations of Claim 1, is believed to be patentable for the same reasons. Further, claim 8 sets out a second detector sensitive to a different spectrum of backscattered radiation frequencies. This is not a redundant backup as the Examiner states.

In view of the Examiner's misreading of the reference cited, the Examiner is respectfully requested to withdraw the rejection of Claims 1 and 8 and expeditiously allow this case to issue.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Claude E. Cooke, Jr.", with a stylized, cursive script.

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